

MEMORANDUM

Department of Planning, Recreation & Neighborhood Services



To: Honorable Mayor and City Council
Through: Thomas J. Wilson, City Manager
From: Bonnie Greiner, Recreation Services Manager
By: Toby Librande, Child Care Coordinator
Subject: Changes to the Family Child Care Assistance Fund Policies and Procedures
Date: 1/21/04

Background

The Parks, Recreation and Cultural Resources Commission reviewed the proposed Family Child Care Assistance Fund policy and procedure changes at their meetings on December 8, 2003 and January 5, 2004. Outlined below is a summary list of the changes to the program with page and paragraph references from the draft document.

Proposed Program Changes

The most significant changes to the policies and procedures are as follows:

1. The title of the program was changed from the Individual Family Child Care Assistance Fund to the Family Child Care Assistance Fund (pg. 1, title).
2. The Purpose section was rewritten to clearly state the goal for the grant fund, "to increase program quality in Milpitas family child care homes" and to define the term "family child care home" (pg. 1, paragraph 1).
3. The Eligibility Requirements were streamlined (pg. 1, paragraph 2).
4. The 51% resident requirement was removed (pg. 1, paragraph 2). Justification for this change centers around the concept that child care supports not only residents, but also local businesses. For continued economic vitality, local businesses benefit by having accessible child care for their employees. Beginning fiscal year 2004/2005, the application for funding will ask for enrollment numbers of resident children and Milpitas business employees' children in order to begin data collection for comparison purposes, as requested by the PRCRC.

5. Applicants must now submit a copy of their current family child care license issued by the Department of Social Services, Community Care Licensing (pg. 1, paragraph 2, item 2).
6. Individuals shall now be eligible for funding for a maximum of three consecutive years, effective fiscal year 2004/2005 (pg. 1, paragraph 2, item 4). If a provider is funded for three consecutive years beginning in 2004/2005, then this provider will be ineligible for funding in 2007/2008. The provider will be eligible for funding again in 2008/2009. Providers caring for special needs children shall be exempt from this requirement.
7. The condition was added that grantees who have not submitted all the necessary paperwork shall not be eligible for subsequent grant allocations until City staff has received the missing items (pg. 1, paragraph 2, item 5).
8. The current Acceptable Funding Criteria section was rewritten and incorporated into the new Funding Priority section (pg. 2, paragraphs 1-3).
9. Funding priority details were added (pg. 2, paragraph 1, item 1). Priority funding now will go to support providers who care for children with special needs or developmental delays
10. Specific examples of appropriate second priority funding requests are now also outlined (pg. 2, paragraph 2, items 1-4).
11. The fiscal limit section was expanded to include funding conditions (pg. 3, paragraph 1, items 1-4).
12. The Parks, Recreation and Cultural Resources Commission may now recommend any amount deemed appropriate, which may be less than or up to the full \$500.00 annual limit (pg. 3, paragraph 1, item 2). The PRCRC may not recommend funding which exceeds this annual limit.
13. Language was added per the City Attorney outlining the conditions by which a grantee must return funding to the City (pg. 3, paragraph 1, items 3 & 4).
14. The Application Process section was flushed out to detail more precisely the responsibilities and process of the applicant and the City staff (pg. 3 & 4).
15. Grantees will now be invited to sign a Press Release Consent Form, in order to have press releases issued to highlight the provider and grant disbursements (pg. 4, item 9).
16. The term that grantees have to return documentation of grant expenditures was changed from 30 days to 1 year (pg. 4, item 10).

CITY OF MILPITAS

INDIVIDUAL FAMILY CHILD CARE ASSISTANCE FUND

PURPOSE:

The purpose of this fund is to allow Milpitas Family Child Care Providers servicing Milpitas residents the opportunity to submit a request for funding assistance from the city. Family Child Care businesses operate within a home environment where small groups of children, twelve or less, are supervised by one or two adults day to day. The City of Milpitas believes in the importance for more enhanced quality child care, with the increasing numbers of families commuting to work, school or for other needs requiring child care. In addition, this fund would help improve the service level in providing family child care businesses with such funding assistance.

GRANT PROCESS:

Eligibility for individuals:

1. Family Child Care Provider requesting funding assistance must provide child care for Milpitas residents. A child care provider is an individual offering individualized care that will meet the physical and emotional needs of children coming into their home environment on a regular basis.
2. At least 51% of the children/families served must be residents of the City of Milpitas.
3. Individuals requesting funds must reside within the Milpitas City limits.
4. Individuals requesting funds must have possession of a current Day Care license provided by the Santa Clara County of Social Services.
5. Individuals requesting funds must be a licensed provider for a minimum of one year in Milpitas.

Individuals must:

1. Be willing to certify and document financial and enrollment figures.
2. Be willing to report on achievements and/or goals accomplished with the acquisition of funds to City staff.
3. Be willing to acknowledge the support of the City of Milpitas where appropriate and include on all printed information relating to grant funded programs or activities, the following: "This program has been made possible, in part, through a grant from the City of Milpitas"
4. Provide a funding statement or report related to the expenditure of City grant funds within 30 days of completing the program, project and / or activity.

FISCAL LIMITS:

1. The maximum amount for any Family Child Care Fund grant is \$500.00. Individuals may only apply once within a fiscal year.
2. Any application, which exceeds this annual limit amount, must show justification of extraordinary need and be highly meritorious in order to be considered by the Commission.
3. The Parks, Recreation, and Cultural Resources Commission may recommend any amount deemed appropriate, which may be less or more than the sum requested.
4. No financial assistance may be provided if proposal is either not in conformance with this policy or with the application procedure or form.

ACCEPTABLE FUNDING CRITERIA:

Funding consideration will be given:

1. Should financial difficulties occur which would prevent normal operation without the necessary materials that would ensure the comfort and safety of children (i.e. sleeping mats/cots, high chairs, cribs, learning resources, and special needs equipment including indoor and outdoor play materials).
2. For an event occurring where additional funding is required for a specialized workshop, training, and/or conference where as providers are enabled to increase their education level and maintain certificates relevant to their business of operations.
3. For financial support in contracting services with individuals specialized in observing and identifying developmental behaviors such as delayed hearing, speech, visual, and in some extreme cases of ADD (Attention Deficit Disorder)/Hyperactivity with children in family child care.
4. For one-time circumstances designed to address a significant need which family child care providers cannot routinely or initially finance. Fees would include Accreditation, memberships for NAEYC (National Association of Education for Young Children), NAFCC (National Association for Family Child Care) and RAFT (Resource Area for Teachers).
5. For financial assistance in contracting Early Childhood Professionals with the purpose of conducting group presentations periodically. Effective teaching skills will be emphasized, applicable for family child care providers.

Funding will not be given:

1. For re-occurring salary cost when provider replacement is needed.
2. For purchasing unconventional material/equipment (i.e. computers, desks)
3. In lieu of a reimbursement by an individual upon completing a college education.

APPLICATION PROCESS:

1. Submit application to the City of Milpitas Recreation Services Department, 457 E. Calaveras Blvd., Milpitas, CA 95035.
2. Applications must be filled out entirely and all supplemental information requested must be submitted with the application to be considered complete.
3. Applications received will be reviewed by staff and presented to the Parks, Recreation and Cultural Resources Commission generally within 45 days of receipt. Applicants will be notified as to the status of their application and as to the date and time of the Commission meeting.
4. Applicants must be present at the Commission meeting to discuss their application in order to be considered for funding. Commission meetings are the first Monday of every month.
5. The Commission will consider applications and recommend grant awards as applications are received or until all allocated funds for the fiscal year are expended.
6. Recommendations of the Commission will be forwarded to the City Council for final approval.
7. Upon approval, selected applicants will be invited to meet with staff to negotiate and enter into a contract with the City. Funding would be treated as a contract service.

**CITY OF MILPITAS
FAMILY CHILD CARE ASSISTANCE FUND**

Draft

PURPOSE:

The purpose of this fund is to increase program quality in Milpitas family child care homes. By submitting a grant request to the City, approved Milpitas family child care providers have the opportunity to purchase services and supplies which will create safer and more enriching environments for children. A family child care home is defined as a business, licensed to provide child care services in the provider's primary residence. All family child care homes are described as small or large, depending on the number and ages of children cared for, but can serve no more than 14 children. The City of Milpitas' Child Care Master Plan, adopted April 2002, introduces the vision "Quality Child Care: an investment in the future of children, families and our community." Since its inception in 1996, this grant fund has supported this vision by investing in quality improvements for Milpitas family child care providers.

ELIGIBILITY REQUIREMENTS:

1. The family child care home must be located within the Milpitas City limits.
2. Individuals requesting funds must possess a valid family child care home license issued by the Department of Social Services Community Care Licensing Division. Applicants must attach a copy of the current license to the grant application. Individuals who possess provisional, suspended or revoked licenses shall not be eligible for funding assistance.
3. Individuals requesting funds must have been providing licensed family child care within the Milpitas City limits for a minimum of one year.
4. Effective fiscal year 2004/2005, individuals are eligible to receive funding for a maximum of three consecutive years. Providers caring for special needs children are exempt from this requirement.
5. Applicants who have received grant funding in prior fiscal years must have completed the required documentation to be considered for funding in subsequent years. Applicants with incomplete documentation from prior years will not be considered for funding until the required paperwork has been submitted.

FUNDING PRIORITIES:

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First priority will be given:

1. To support the care and supervision of special needs or developmentally delayed or disabled children. Acceptable expenditures include (but are not limited to) fees for professional environmental assessments, the purchase of specialized toys and equipment and facility modifications.

Second priority will be given:

1. For services and supplies, which enhance the program quality of the family child care home.
2. For supplies and equipment, which promote the health and safety of the children.
3. To support the providers' continuing education in the field of early childhood education and development. Examples of appropriate expenditures include workshop fees, college course tuition and training seminar costs.
4. For fees and costs associated with Accreditation and quality assessment tools. Quality child care assessment programs sponsored by nationally recognized organizations shall be eligible for funding, such as the National Association for the Education of Young Children (NAEYC) and the National Family Child Care Association (NAFCC). Program and membership fees as well as recommended quality enhancement supplies are permitted under this funding category.

Funding will not be given:

1. For ongoing salary cost for substitute staff, when provider replacement is needed.
2. For purchasing materials and equipment which do not have a direct influence on program quality.
3. For college course tuition reimbursement for classes that do not directly relate to child development, the care and supervision of children, interacting with families, or the management of a small business.

FISCAL LIMITS AND CONDITIONS:

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1. The maximum amount for any Family Child Care Assistance Fund Grant is \$500.00 per fiscal year.
2. The Parks, Recreation, and Cultural Resources Commission may recommend any amount deemed appropriate, which may be less than or up to the full \$500.00 annual limit.
3. Individuals who have received grants and whose licenses are subsequently revoked or suspended for any reason shall report such revocation or suspension to the child care coordinator promptly. Such providers will not be eligible for further grant assistance until their license has been fully reinstated. In addition, individuals whose licenses are revoked or suspended shall return any unexpended grant funds to the coordinator.
4. Should a family child care program operating with grant assistance under this program cease operations for any reason, the grant recipient shall likewise return unexpended grant funds to the coordinator.

APPLICATION PROCESS:

1. The applicant requests a Family Child Care Assistance Fund Grant packet from the City of Milpitas Recreation Services, 457 E. Calaveras Blvd, Milpitas, CA 95035, (408) 586-3210.
2. The applicant reviews the Policies and Procedures, completes the application for funding and attaches a copy of their current family child care license issued by Community Care Licensing. Applicant shall indicate how the proposed services or supplies will impact program quality.
3. The applicant submits the completed application to the City of Milpitas Recreation Services, 457 E. Calaveras Blvd., Milpitas, CA 95035, Attention: Child Care Coordinator.
4. Staff reviews the application and places the item on the agenda for the next Parks, Recreation and Cultural Resources Commission meeting, generally within 45 days of receipt. Staff notifies the applicant regarding application conformance to guidelines, timeline for meetings and process for grant funding.

5. Applicant must attend the Parks, Recreation and Cultural Resources Commission meeting in order to be available to answer any questions the Commission may have regarding the application. Applicants who do not attend the meeting will not have their request reviewed. Instead, the application will be agendaized for consideration the following month. Commission meetings are generally held the first Monday of every month.
6. The Commission considers applications and recommends grant awards in the order the applications are received, until all allocated funds for the fiscal year are expended. The fiscal year begins in July and ends in June.
7. The Commission's recommendations are forwarded to the City Council for final approval.
8. Upon City Council approval, the grantee meets with staff to enter into a contract with the City. Funding is treated as a contract service. The grantee signs the Family Child Care Assistance Fund Grant Acceptance Form upon receipt of payment. This form verifies that the grantee has received the funding, and that he/she agrees to spend the funds on the purposes listed in their approved grant application. Staff and the grantee both receive a copy of the signed agreement.
9. Grantee completes the Family Child Care Assistance Fund Grant Press Release Consent form, indicating whether or not the grantee approves of media coverage of the grant. The press release information will include non-confidential information only, such as the name of the grantee and the approved services or supplies to be purchased. The address of the provider will not be disclosed.
10. Within one year of the receipt of the grant, the grantee submits a Family Child Care Assistance Fund Grant Final Report, indicating how the funding assisted with program quality enhancements. Copies of receipts are attached to the Final Report to verify that the funds were spent in accordance with the approved application. The grantee submits the required documentation to the City of Milpitas Recreation Services, 457 E. Calaveras Blvd., Milpitas, CA 95035, Attention: Child Care Coordinator.
11. Should the grantee fail to submit documentation within the one-year timeline, staff will mail a reminder letter indicating which items are missing. Grantees shall not be eligible for subsequent funding until the City has received all of the required documentation for the current grant.

Draft

Comprehensive Family Child Care Assistance Fund Grantee List as of 12/03

Fiscal Year	1995 - 1996	1996 - 1997	1997- 1998	1998 - 1999	1999 - 2000	2000 - 2001	2001 - 2002	2002 - 2003	2003- 2004
Budget	2500.00	2500.00	2500.00	2500.00	3500.00	3500.00	4000.00	4000.00	4000.00
1.	Sabo 225.00	Chaney 230.00	Dela Croche 250.00	Perez 250.00	Shepard 250.00	Ding 250.00	Clanton 250.00	Clanton 500.00	Ruiz 500.00
2.	Shepard 250.00	Clanton 250.00	Clanton 250.00	Clanton 250.00	Hartman 250.00	Lagman 250.00	Lagman 250.00	Lagman 500.00	Araya 500.00
3.	Aguilar 250.00	Lagman 250.00	Lagman 250.00	Lagman 250.00	Clanton 250.00	Clanton 250.00	Corriea 250.00	Samawi 500.00	Clanton 500.00
4.		Ligon 250.00	Shepard 250.00	Stephens 250.00	Lagman 250.00	Egusa 250.00	Ding 250.00	Ding 500.00	Ding 500.00
5.		Shieh 250.00	Sabo 250.00	Ding 250.00	Ligon 250.00	Thiell 250.00	Egusa 250.00	Sabo 500.00	Ligon 500.00
6.		Finke 250.00	Alvarado 250.00	Shieh 250.00	Ding 250.00	Samawi 500.00	Ruiz 250.00	Egusa 500.00	Samawi 500.00
7.		Ding 250.00	Langhorst 250.00	Carnero 250.00	Alvarado 250.00	Baria 250.00	Ligon 250.00	Araya 500.00	Lagman 500.00
8.			Samawi 250.00	Dela Croche 250.00	Samawi 250.00		Mena ¹ 250.00	Ligon 500.00	Egusa 500.00
9.			Gapuz 250.00	Alvarado 250.00	Cooper 250.00		Chaney 250.00	Ruiz ²	Cooper ²
10.			Shieh 250.00	Samawi 250.00	Chaney 250.00				Christopher ²
11.					Egusa 250.00				Corriea ²
12.					Ruiz 250.00				
13.					Corriea 250.00				
14.					White 0.00 ³				
Fund Balance (remaining at end of fiscal year)	1775.00	770.00	0.00	0.00	250.00	1500.00	0.00	0.00 ⁴	0.00 ⁵

¹ Not distributed due to licensing issue

² Applications held due to funding having already been exhausted

³ Applicant did not attend PRCRC

⁴ Fund was depleted by mid-December 2002

⁵ Fund was depleted by mid-September 2003

From: Peter Spoerl [pspoerl@meyersnave.com]
Sent: Tuesday, November 18, 2003 11:20 AM
To: Toby Librande; Peter Spoerl
Cc: Kathleen Yurchak; John D. Bakker
Subject: RE: Family child care grant review

Dear Toby:

This email is in response to your request for review of the proposed Family Child Care Grant Program Policies and Procedures update. We have reviewed the draft policy for possible issues of state and federal preemption. In addition, per your request, we have added suggested language to the section on eligibility requirements for grant recipients. The added language would provide for forfeiture of unexpended funds in the event a recipient no longer satisfies licensing requirements, or ceases program operations for any reason.

In particular, you asked that we focus our review on two primary questions: 1) Whether there are any issues in providing priority funding for special needs children; and, 2) Suggested approaches for handling situations where a grant recipient loses licensing or closes the care center after receipt of grant funds.

General Discussion

Article XI, section 7 of the California Constitution authorizes cities to exercise police powers and to make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws. The power of municipalities under this section is as broad as that of the legislature itself, provided that the power is exercised only within city boundaries and is not in conflict with general state laws. In the exercise of this police power, a city has broad discretion in determining what is reasonable to protect the public health, safety, morals and general welfare of the community. Child care programs such as this grant program fall within this authority. The mere fact that the state, in the exercise of its police power, has enacted certain laws or regulations does not prohibit a city from enacting additional requirements. So long as the proposed child care grant policy does not conflict with state law, and its requirements are not unreasonable or discriminatory, there will be no conflict between the two and both will stand.

The provisions establishing priority funding for special needs children are not preempted by state or federal law, and neither state nor federal law has occupied the field or expresses an intention to preempt local legislation in this area. In fact, child care grant funding programs at both the state and federal level reflect similar funding priorities. The Federal Child Care and Development Block Grant Act, for example, contains similar priority provisions. See 42 U.S.C. 9858. Under the California Child Care and Development Services Act, Cal. Education Code 8200 et seq, grant funding is allocated under a similar priority system. (See especially section 8206.7, providing that "Children with exceptional needs shall receive priority for enrollment within the priorities established by the child care and development local planning council.") As discussed above, the city, under its police power, is free to enact ordinances pertaining to welfare so long as they do not conflict with state law. Because the proposed priority does not conflict with but rather complements state law, we conclude that it is a permissible exercise of the police power.

The licensing requirement also mirrors state law in the area. Health and Safety Code section 1596.67 requires child care providers receiving compensation to obtain Trustline registration, including fingerprint and background checks with the Department of Justice. The section further provides that grant "payment shall cease if a provider has a criminal conviction for which the department has not provided a criminal conviction exemption." Here, too, the proposed policy complements state law and does not conflict with any of its provisions. We suggest that, should a grant recipient fail to renew his license with the Department of Social Services Community Care Licensing Division, or cease providing child care service for any reason, the policy provide that unexpended grant funds be returned to the coordinator. We have added language to this effect in the draft policy, a copy of which is attached as a Word document.

I trust that this email responds to your questions. Please do not hesitate to contact myself or John Bakker should you have any additional questions or concerns.

Sincerely, Peter Spoerl

-----Original Message-----

From: Toby Librande [mailto:tlibrande@ci.milpitas.ca.gov]

Sent: Monday, November 17, 2003 9:10 AM

To: pspoerl@meyersnave.com

Cc: Kathleen Yurchak

Subject: Family child care grant review

Mr. Spoerl,

Thank you for your review of the family child care grant policies and procedures. Can you please provide me with an updated timeline as to when your memorandum will be prepared? I am expected to present the revisions to the Parks, Recreation and Cultural Resources Commission at their December 8 meeting and need to begin preparing the materials, or to arrange for transferring the item to the January meeting. Thank you, I appreciate your reply.

Toby S. Librande

City of Milpitas Child Care Coordinator

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